

City Council

Notice of Motion

MM14.5	ACTION			Ward: 3
--------	--------	--	--	---------

199 Thirtieth Street - Request for City Solicitor to Attend at the Toronto Local Appeal Body - by Councillor Amber Morley, seconded by Deputy Mayor Ausma Malik

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Etobicoke York Community Council. A two-thirds vote is required to waive referral.*

** This Motion relates to a Toronto Local Appeal Body Hearing and has been deemed urgent.*

Recommendations

Councillor Amber Morley, seconded by Deputy Mayor Ausma Malik, recommends that:

1. City Council direct the City Solicitor to attend the Toronto Local Appeal Body, with appropriate City staff, in order to oppose the Appeal regarding 199 Thirtieth Street (Application A0277/23EYK).
2. City Council authorize the City Solicitor to attempt to negotiate a resolution of the Appeal for 199 Thirtieth Street (Application A0277/23EYK) and City Council authorize the City Solicitor to settle the matter on behalf of the City at the City Solicitor's discretion after consultation with the Ward Councillor and the Director of Community Planning, Etobicoke York District.

Summary

The applicant applied to the Committee of Adjustment requesting variances from City-wide Zoning By-law 569-2013 related to side yard setback, rear yard setback, and the number of loading spaces (Application Number A0277/23EYK) (the "Application").

The Application seeks to construct a new warehouse building. A previous Committee of Adjustment application (A0251/20EYK) approved variances relating to side yard setback and driveway width.

On December 7, 2023, the Etobicoke York District Panel of the Committee of Adjustment refused the Application (Decision in Attachment 1). The applicant has appealed the refusal to the Toronto Local Appeal Body (the "Appeal").

In a report from the Director of Community Planning, Etobicoke York District dated November 15, 2023, Planning Staff raised concerns and recommended that the Application be refused (Staff Report in Attachment 2). Planning Staff opined that the Application does not conform to the general intent and purpose of the Official Plan nor the Zoning By-law and is not desirable for the appropriate development of the land, pursuant to Section 45(1) of the Planning Act. In

particular, Community Planning Staff opined that the variances are not in keeping with Official Plan policies for Employment Areas.

This Motion will authorize and direct the City Solicitor to attend the Toronto Local Appeal Body, along with appropriate City staff, in order to oppose the Appeal. This Motion will also authorize the City Solicitor to resolve the matter on behalf of the City in her discretion.

This Motion is urgent as the Toronto Local Appeal Body has issued a Notice of Hearing for this matter; the deadline for the City to seek party status for this matter is February 14, 2024, and the hearing is scheduled to proceed on April 24, 2024.

Background Information (City Council)

Member Motion MM14.5

Committee of Adjustment Etobicoke York Panel Notice of Decision on application for Minor Variance/Permission/Consent for 199 Thirtieth Street

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-242729.pdf>)

(November 15, 2023) Report from the Director, Community Planning, Etobicoke York District on 199 Thirtieth Street

(<https://www.toronto.ca/legdocs/mmis/2024/mm/bgrd/backgroundfile-242730.pdf>)